



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Monthly Enforcement Report**  
**for actions during January 2010**  
**DISTRIBUTED: February 5, 2010**

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*This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or [peter.j.carney@maine.gov](mailto:peter.j.carney@maine.gov) for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.*

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The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

**Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):**

*Air:*

**Corinth Wood Pellets, LLC, Corinth, Maine.** Corinth Wood Pellets, LLC ("Corinth Wood Pellets") violated provisions of its Department-issued air emission license by exceeding the facility's license limit for opacity as observed by Department staff. To resolve the violation, Corinth Wood Pellets paid a civil monetary penalty of \$875.

**Freightliner of Maine, Inc., Westbrook, Maine.** Freightliner of Maine, Inc. ("Freightliner") violated the Department's rule for *New Motor Vehicle Emission Standards* by selling two non-"California-certified" vehicles. Following Department involvement, Freightliner reprogrammed the motor control modules of the two vehicles in question, thereby, making them compliant with the Department rule. To resolve the violations, Freightliner paid a civil monetary penalty of \$1,500.

*Land:*

**Donald R. Buteau and Brenda L. Buteau, Harrison, Maine.** Donald R. Buteau and Brenda L. Buteau ("the Buteaus") violated provisions of Maine's *Natural Resources Protection Act* by performing or causing to be performed the construction of a permanent structure adjacent to a great pond, filling or causing to be filled and disturbing or causing to be disturbed soil adjacent to a great pond, and filling or causing to be filled a great pond, all without first obtaining licenses from the Department. Specifically, soil was disturbed and a gazebo, patio area, and walls were being constructed within seventy-five feet of the normal high water line of Long Lake. In addition, rock fill had been placed adjacent to and in Long Lake. To resolve the violations, the Buteaus agreed to submit an after-the fact permit application pursuant to the *Natural Resources Protection Act* for the wall, gazebo, other alterations, and soil disturbance and filling activities within seventy-five feet of long lake, and if the application is approved, comply with the terms and conditions of the permit, or if the permit is wholly or in part denied, returned, withdrawn or not submitted, submit a final restoration plan to restore all unpermissible activities to their previously existing condition. In addition, the Buteaus agreed to remove any remaining rocks and stone placed adjacent to Long Lake to the Department's satisfaction, complete a planting plan, and paid \$2,534 as a civil monetary penalty.

**William P. Fanning and Deborah A. Dolloff, Kennebunk, Maine.** William P. Fanning and Deborah A. Dolloff ("Fanning and Dolloff") violated provisions of Maine's *Natural Resources Protection Act* by removing or causing to be removed vegetation in a freshwater wetland and placing or causing to be placed fill material in a freshwater wetland without first obtaining a permit from the Department. Specifically, Fanning and Dolloff removed or caused to be removed vegetation and placed or caused to be placed fill material in a freshwater wetland impacting approximately 4,000 square feet of wetland area. To resolve the violations, Fanning and Dolloff agreed to remove fill material from the wetland to its preexisting grade, plant tree saplings and wetland shrubs, and apply conservation seed mix and mulch on all disturbed soils for stabilization, and paid \$876 as a civil monetary penalty.



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**N.S. Giles Foundations, Inc., Dedham, Maine.** N.S. Giles Foundations, Inc. ("N.S. Giles Foundations") violated Maine's *Protection and Improvement of Waters* law by discharging pollutants to waters of the State without first obtaining a permit from the Department. Specifically, N.S. Giles Foundations' employees were pumping water containing silt from a foundation excavation into Phillips Lake. To resolve the violation, N.S. Giles Foundations agreed to have no less than three foremen attend a Department Nonpoint Source Training Center workshop that focuses on erosion and sedimentation control devices and best management practices, and paid \$1,000 as a civil monetary penalty.

**Donald Holdsworth and Thomas Tardiff, Wells, Maine.** Donald Holdsworth and Thomas Tardiff violated provisions of Maine's *Natural Resources Protection Act* by constructing or causing to be constructed a permanent structure, a barrier fence, in a coastal sand dune system without first obtaining a permit from the Department. Specifically, Tardiff as agent for Holdsworth replaced a barrier fence approximately 128 feet long and 2.5 feet high, with a replacement that resulted in an expansion of the front portion of the barrier fence to a height of four feet. Furthermore, the fence that was replaced was originally built in the mid-1990s without first obtaining a permit from the Department. To resolve the violation, Holdsworth agreed to remove the above grade infrastructure of the fence with the exception of vertical posts, remove the below grade infrastructure of the entire fence, and restore the dune seaward of the fence with beach grass. Holdsworth and Tardiff paid \$2,452 as a civil monetary penalty.

**Brian Martin, Oakland, Maine.** Brian Martin ("Martin") violated provisions of Maine's *Natural Resources Protection Act* by placing fill in a freshwater wetland and performing or causing to be performed construction of a permanent structure adjacent to a protected natural resource without first obtaining permits from the Department, and a Department licensing order issued under the *Natural Resources Protection Act* by varying from the plans and proposals approved in the licensing order without prior Department review and approval. Specifically, Martin was granted approval in a Department licensing order to construct a gravel walkway measuring six feet wide by ninety-five feet long to Messalonskee Lake resulting in a freshwater wetland impact of 570 square feet. A Department inspection revealed that additional freshwater wetland had been filled in excess of what had been permitted. Rather than terminating at the shoreline, the path was extended in each direction along the shoreline approximately twenty-five feet in length by six feet wide resulting in an additional 300 square feet of wetland impact. Following Department involvement, Martin completed corrective work requested by Department staff and reduced the path in size to meet what had been permitted. To resolve the violations, Martin paid \$1,500 as a civil monetary penalty.

*Mining:*

**Glen Dube Excavation, Inc., Sabattus, Maine.** Glen Dube Excavation, Inc. ("Glen Dube Excavation") violated provisions of Maine's *Performance Standards for Excavations* by expanding a gravel pit by more than five acres since 1970 without first filing a "Notice of Intent to Comply" pursuant to the requirements of the *Performance Standards for Excavations*. Department staff determined that the gravel pit had been expanded by approximately 7.3 acres since 1970. Following Department involvement, Glen Dube Excavation submitted the required Notice of Intent to Comply. To resolve the violation, Glen Dube Excavation paid \$2,500 as a civil monetary penalty.

*Water:*

**Town of Anson, Anson, Maine.** The Town of Anson ("Anson") violated Maine's *Protection and Improvement of Waters* law by discharging untreated wastewater to the Kennebec River on two occasions. In the first instance approximately 585,000 gallons of untreated wastewater were discharged and in the second instance approximately



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360,000 gallons of untreated wastewater were discharged, both as the result of a clogged sewer line. To resolve the violations, Anson agreed to maintain in good working order and operate at maximum efficiency the wastewater collection system, report to the Department any noncompliance with the wastewater collection system that may endanger health or the environment, ensure that the flow through the main sewer line flow meter is monitored and recorded a minimum of five times per week to determine if there is a significant overflow or bypass from the collection system, allow Department staff to periodically inspect the collection system, submit to the Department for review an operation and maintenance manual for the collection system, have a professional engineer conduct and submit to the Department an assessment of the sewer line and siphon at the location of the discharges, and complete any necessary repairs to the collection system as identified in the engineer's assessment. In addition, Anson paid \$1,310 as a civil monetary penalty.

**District Court Enforcement Resolutions (party followed by location):**

*Oil:*

**Smith Bickford, Jr., Jackson, Maine.** Smith Bickford, Jr. ("Bickford") violated provisions of Maine's *Oil Discharge Prevention and Pollution Control* laws by: causing prohibited discharges of oil; failing to immediately undertake to remove prohibited discharges of oil; and failing to reimburse the Department for clean-up costs incurred by the Department in connection with the prohibited discharges. Specifically, Bickford caused prohibited discharges of oil while conducting automobile recycling activities at property he owns in Jackson, Maine. Bickford did not undertake to remove the discharges of oil. After the Department cleaned up the discharges, Bickford failed to reimburse the Department. To resolve the violations, Bickford entered into a Consent Decree and Order agreeing to, in the future, report all prohibited discharges of oil to the Department within two hours of discovery. Bickford will pay \$3,050 as a civil monetary penalty of which \$2,050 is suspended and will be permanently waived provided that Bickford complies with all provisions of the Consent Decree and Order. In addition, the clean-up costs totaling \$3,720.51 are a lien against Bickford's property in Jackson, Maine. The interest on the clean-up costs, \$1,311.85, is suspended and will be permanently waived provided that Bickford complies with all provisions of the Consent Decree and Order.